Talking Points: Federal Standard of Care for Hazard Tree Pre-Inspections

- **On the front lines of wildfire prevention**: My company and others like mine play a direct role in preventing wildfires by identifying and mitigating hazardous trees near power lines, maintaining rights-of-way, and creating defensible space that protects homes and communities.
- **The scale of the challenge**: Utilities depend on contractors like us to perform most pre-inspections and hazard tree removals. This is especially critical on the **90,000 miles of electrical rights-of-way that cross 640 million acres of federal land**—much of it at high wildfire risk.
- **A growing crisis**: Wildfires are more frequent, more destructive, and more expensive. Without proactive vegetation management, utility corridors remain a significant source of ignition risk.
- **The insurance barrier**: Because there is no accepted federal standard of care, insurers view our work as high-risk and unpredictable. Premiums for coverage can run **$200,000–$500,000 per $1M of excess liability**—if coverage is available at all. Many policies now exclude wildfire incidents outright. This is driving qualified contractors out of wildfire mitigation work.
- **Legal uncertainty makes it worse**: Utilities sometimes try to pull contractors into wildfire lawsuits—even when the contractor did not cause the ignition. Without clear roles and responsibilities, we face liability for outcomes we don't control, making it harder to stay in this business.
- **The solution: a minimum federal standard of care**: Congress should establish a consistent national framework for hazard tree pre-inspections, based on the **ANSI A300 standards** that already reflect industry consensus and best practices. This gives insurers and contractors a clear benchmark for safe, responsible work.
- **Clarify contractor roles under FLPMA**: Contractors should not be considered "owners or operators" under federal law unless specifically designated. Utilities hold the rights-of-way and make operational decisions. Clarifying this distinction will reduce legal ambiguity and keep experienced contractors in the field.
- **Congressional action is urgent**: By including these reforms in the **Fix Our Forests Act (S. 1462)** or related legislation, Congress can reduce wildfire ignition risk, stabilize insurance markets, and ensure the workforce capacity needed to manage hazardous vegetation nationwide.

Reducing Wildfire Risk Through Federal Standards
A Priority for the Tree Care Industry

Who We Are

The Tree Care Industry Association (TCIA) represents more than **1,400 businesses employing 150,000 professionals** nationwide. Our members maintain vegetation near utility infrastructure, manage rights-of-way, and create defensible space to reduce wildfire ignition risks and protect communities.

The Challenge

Wildfires are increasing in frequency, intensity, and cost—especially near utility corridors. Utility vegetation management (UVM) contractors perform most hazard tree pre-inspections and removals. Without a clear federal standard of care, contractors face liability risks and skyrocketing insurance costs.

The Insurance Barrier

Because there is no accepted federal standard of care, insurers treat wildfire mitigation work as unpredictable. Premiums can reach **$200,000–$500,000 per $1M of excess liability**, if coverage is available at all. Many policies exclude wildfire incidents entirely, forcing some contractors to exit the market.

Legal Uncertainty

Utilities have attempted to pull contractors into wildfire lawsuits—even when not responsible for ignition. Without clear roles and responsibilities, contractors risk being held liable for outcomes they do not control. This chilling effect reduces contractor availability at the very moment their work is most needed.

The Solution

Establish a minimum federal standard of care for hazard tree pre-inspections, based on the ANSI A300 standards. Clarify that contractors are not considered 'owners or operators' under FLPMA Section 512, unless expressly designated. Provide insurers with clear benchmarks to evaluate contractor practices, stabilizing coverage options.

The Legislative Opportunity

Congress can advance these reforms through the **Fix Our Forests Act (S. 1462)** or related legislation, reinforcing federal wildfire prevention goals and ensuring a qualified, insured workforce is available nationwide.

Our Ask:

We urge Congress to include in **the Fix Our Forests Act (S. 1462**):

• A minimum federal standard of care for hazard tree pre-inspections (ANSI A300).

• Clarification that vegetation management contractors are not 'owners or operators' under FLPMA Section 512, unless expressly designated.

These reforms will reduce wildfire ignition risk, stabilize insurance markets, and ensure contractors can continue this essential work.